

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

United States of America

v.

JUSTIN KYLE PHELPS

Case No. 3:17-MJ-2047

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 13, 2017 in the county of Knox in the Eastern District of Tennessee, the defendant(s) violated:

Code Section

18 U.S.C. § 2422(b)

Offense Description

Using the mail or any facility or means of interstate or foreign commerce, to knowingly persuade, induce, entice or coerce any individual who has not attained the age of 18 years to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.

This criminal complaint is based on these facts:

See attached Affidavit of Investigator Chris L. Jones, Knoxville Police Department, Internet Crimes Against Children Task Force.

☒ Continued on the attached sheet.

Complainant's signature

Chris L. Jones, Investigator
Printed name and title

Sworn to before me and signed in my presence.

Date: 03/23/2017

Judge's signature

City and state: Knoxville, Tennessee

H. Bruce Guyton
Printed name and title

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)

v.)

JUSTIN KYLE PHELPS)

Case No. 3:17-MJ-2047

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your affiant, Christopher Jones, an Investigator with the Knoxville Police Department (KPD) Internet Crimes against Children (ICAC) Task Force and being a sworn federal officer for the Federal Bureau of Investigation Crimes against Children Task Force being duly sworn, deposes and states the following:

1. Your affiant has been employed with the KPD since November 17, 2003. Since April 2015, your affiant has been assigned to the KPD-ICAC Task Force as an investigator. The KPD-ICAC Task Force is responsible for investigating and enforcing federal criminal statutes involving the sexual exploitation of children under Title 18, United States Code. I make this affidavit in support of a complaint and warrant for arrest of ~~Brian Michael Burton~~ JUSTIN KYLE PHELPS CS ABQ for enticement of a minor to engage in illegal sex using a facility or means of interstate or foreign commerce in violation of 18 U.S.C § 2422(b).

2. Affiant has acquired experience in these matters through specialized training and everyday work related to these types of investigations. On March 7, 2017 I, Investigator Chris L. Jones #1863, received information from the Knox County Sheriff's Office that on February 12, 2017 an individual believed to be an adult male had communicated with a juvenile victim via Facebook messenger for the purposes of soliciting the minor to engage in sexual activities. Furthermore, it was also relayed to your affiant that the same adult male had travelled to the family home located at

and attempted on two separate occasions in the early morning hours of February 12, 2017 to enter a 13 year-old victim's window in an attempt to engage in sex acts.

3. On March 8, 2017 Investigator Tom Evans and I met with the juvenile victim

and her mother

. The victim stated that in December

2016 she received a "friend request" via Facebook from "Vicky Reddington" who claimed to be 13 years-old. The victim stated that she accepted the "friend request". The victim stated she and "Vicky Reddington" then began chatting on Facebook Messenger. The victim went on to say that "Vicky Reddington" initially began speaking with her about shared interests such as modeling. The victim then stated that after some time "Vicky Reddington" began asking her if she had ever been active in oral sex. The victim replied "no". The victim went on to say that after some time of chatting about oral sex with "Vicky Reddington" she said she could introduce the victim to a male that could teach her about oral sex. The victim stated that she then received a "friend request" from "Justin Meh" who claimed to be 17 years-old. The victim stated that over the course of approximately two months she spoke with both "Vicky Reddington" and "Justin Meh" about oral sex. The victim went on to say that it upset her that both "Vicky Reddington" and "Justin Meh" were chatting about oral sex so much. The victim also stated that "Justin Meh" had requested nude images of her breast area via Facebook Messenger during this time period. The victim stated that she was also sent an image of a girl laying on a bed fully clothed and was asked to recreate the same pose, photograph herself in the pose, and send that image to the offender. The victim stated that on February 12, 2017 she finally agreed to engage in oral sex and gave directions to her house to the offender. The victim stated that "Justin Meh" informed her that he lived in another county which was about an hour's drive from Knoxville, TN. The victim stated that is when an individual opened her window on February 12, 2017.

4. The mother of the victim stated that she discovered her daughter was speaking with an individual via Facebook Messenger on February 12, 2017. The victim's mother stated that she heard the family dog barking in the early morning hours and immediately checked her daughter's room. The victim's mother then stated that she observed her daughter's bedroom window open and a very thin male run away from the scene. The victim's mother stated that she and her husband then dialed 911 and the Knox County Sheriff's Office responded to the scene. The victim's mother stated that officers left the scene when they could not locate the suspect. The victim's mother stated that is when their daughter informed them that she had been communicating with "Justin Meh" via Facebook Messenger and had given him directions to their

home. The victim's mother stated that she and her husband then observed the Facebook Messenger messages and then communicated with the offender while pretending to be their daughter. The victim's mother stated that the offender then returned a second time on the same day in the early morning hours and attempted to make contact with their daughter. The victim's mother stated that while observing both the "Vicky Reddington" account and the "Justin Meh" account it appeared to her that the same person was utilizing two accounts. The victim's mother stated that when the offender came back to their home on the second occasion he was met by her husband who had armed himself to protect his family. The victim's mother stated that the offender fled the scene again and did not return. The victim's mother stated the she and her husband alerted law enforcement officials again and the Knox County Sheriff's Office responded to the scene. The victim's mother provided your affiant with consent to assume her daughter's Facebook identity.

5. Preliminary research of the Facebook account "Justin Meh" revealed that a possible suspect in this investigation was **Justin Kyle Phelps** who lives in Philadelphia, TN. A State of Tennessee Criminal Justice Portal search for **Justin Kyle Phelps** reveals that he is a 26 year old male that lives in Monroe County Tennessee who was convicted of Attempted Sexual Exploitation of a Minor in September 2011 and is currently on the Sex Offender Registry. This information was confirmed after speaking with the Monroe County Sheriff's Office Sex Offender Registry Unit. Additionally, the description of the suspect obtained from the victim's parents was similar to the description of **Justin Kyle Phelps**, according to the State of Tennessee Criminal Justice Portal.

6. On March 8, 2017 your affiant issued two State of Tennessee Administrative Subpoenas for the Facebook accounts "Vicky Reddington" and "Justin Meh". The State of Tennessee Administrative Subpoenas returns of the Facebook accounts "Vicky Reddington" and "Justin Meh" revealed that the two accounts share some of the same IP addresses and those IP addresses show originating from the Monroe County, TN area. The subpoena return for the Facebook account of "Justin Meh" also showed the telephone number of "1-423-836-2567" related to the Facebook account. **Justin Kyle Phelps** registered the telephone number "1-423-836-2567" with the State of Tennessee when he registered with the Sex Offender Registry

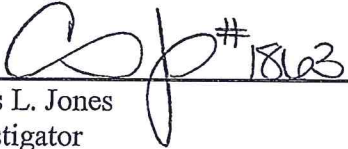
due to being convicted of Attempted Sexual Exploitation of a Minor in September 2011.

7. On March 8, 2017 you affiant created an undercover Facebook account utilizing the identification of the victim in this case. On March 9, 2017 your affiant began covert communication with the Facebook account "Vicky Reddington". On March 13, 2016 your affiant (while working in an undercover capacity) began communicating with the Facebook account "Justin Meh". On the same day, the user operating the Facebook account "Justin Meh" agreed to meet a 13 year-old female to engage in sexual acts (oral sex and various other sexual acts) at _____ Knoxville, TN. The offender stated that it would take about an hour to drive to the location. The offender continued to communicate with your affiant while driving to _____ Knoxville, TN.

8. On March 13, 2016 at about 3:16 P.M. **Justin Kyle Phelps** arrived at _____ Knoxville, TN operating a black 2008 Hyundai Tiburon bearing TN tag Z43-32M. **Justin Kyle Phelps** was taken into custody for T.C.A. 39-13-528, Solicitation of a Minor.

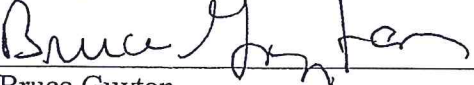
9. A state search warrant was obtained for Phelps's cellular telephone that was in Phelps's possession at the time of arrest. A forensic examination confirmed that Phelps had used the cellular telephone in the enticement of the minor victim to engage in sexual acts with Phelps, including oral and anal sex acts.

FURTHER AFFIANT SAYETH NOT.


Chris L. Jones
Investigator
Knoxville Police Department
Internet Crimes Against Children Task Force

Sworn and subscribed before me

This 23 day of March, 2017.


H. Bruce Guyton
UNITED STATES MAGISTRATE JUDGE